PATTERNS OF POWER · WORKING STATEMENT II

Distance and Witness

The Working Statement, Second Version — Why Every Settlement Needs Two Machines Built in Opposite Directions, What Each One Is Made Of, Why the Joint Between Them Is Where Orders Come Apart, and How Much of This Is Established

Thomas J. Bryan

with Claude (Anthropic) · 2026

held as tested, not revealed

WORKING STATEMENT II

Preface

What this is, what it replaces, and what it admits.

This is the second version of the working statement of the Patterns of Power series. It supersedes the first, which asked how a distribution of holdings taken by force becomes an order that armed men will defend rather than contest, and answered with one object. **The answer needs two objects, and this version is the reorganisation.**

The research direction, the case selection and the judgement are Thomas J. Bryan's; the historical synthesis, the retrieval, the drafting and the argument are done with Claude, Anthropic's model. Parts of what follows were produced in separate working threads and are credited where they arrive — the two-axis distinction and its derivation from the royal fifth came from one, the life-cycle and the loop from another, and several of the load-bearing pieces exist because one side pressed on the other until something gave way.

It exists because of a complaint, and the complaint was correct. The series had accumulated nine or ten amendments, each defensible on its own, and the accumulation is what a theory looks like from outside just before it stops being one. The objection was put plainly: *it cannot be a real dynamic if it constantly needs a qualifier.*

The diagnosis turned out to be available. **Most of the qualifiers are not qualifiers. They are a second axis arriving in pieces and being misfiled each time as a property of the first.** So the cure is not another amendment but a demotion: the object the series has spent years describing is half of the mechanism, and there is a second half that is defended in the opposite direction and that the series never named.

Three things are worth saying about the status of this before anything else.

The **antinomy in Part 4 is the claim to attack**. It is derived rather than induced — it falls out of one ordinary man's decision, needs no historical evidence to establish, and if it is wrong the rest collapses.

The **historical mapping is a working hypothesis** and is labelled as such throughout. The categories were built by the people who then applied them, knowing the outcomes, which is internal consistency rather than evidence.

And **two things are recorded as unresolved rather than smoothed**: the manufacture prediction has not landed in one standing case, and the frame does not

explain the one case in the corpus where both axes were sound and the order fragmented anyway.

The statement stands alone. No acquaintance with the series, the periods or the scholarship is assumed. Every borrowed idea is built in plain words where it arrives.

One discipline governs throughout. The machinery described here was built over people who were counted rather than consulted, and Part 15 pays that debt in plain words rather than assuming it.

The whole thing in a page

Force takes and cannot keep. **Possession** is present-tense and expires with the capacity holding it; **ownership** is a claim about tomorrow and about other people, which makes it not a relation between a person and a thing but a structure of expectations about how others will behave when nobody is watching.

Armed men who all want a settlement cannot produce one unaided, because whether a seizure is safe depends on what every *third* man does, and each of them is forecasting the others.

But the answer that forecast requires always has two halves, because it is always of the form *does this case fall under that rule*. Six lords who all agree the eldest son inherits, and cannot establish which claimant is the eldest son, are in exactly the position of six lords with no rule.

And the two halves are attacked differently and therefore defended in opposite directions. A **rule** is attacked by revision, so it is defended by **distance**: put it in the past, attribute it to nobody living, keep it out of every player's reach. An **instance** is attacked by concealment, so it is defended by **witness**: many people, on the record, with the record kept where they can reach it.

Those defences are incompatible, because a witness is an author of a record. What makes a rule safe is that no living person may touch it; what makes an instance safe is that many living people are touching it right now. So **every settlement needs two machines pointed in opposite directions, plus somebody standing in the joint to say whether they match — and that man is the cheapest thing in the order to attack.**

A war-band solved both for nothing, once. The fraction came from scripture, maximally far away; the plunder sat in a heap in the open with every claimant watching, maximally close. No priest, no register, no cost. **Everything since has been an attempt to rebuild the heap out of paper.**

The rest follows. What each axis is made of and why neither can be manufactured by a beneficiary. Why the interpreter has two jobs with opposite exposure to capture — because they are the two halves. Why the ledger of qualifiers grew. Five failure routes rather than four. How an order holds by default, runs down as its coalition is spent, and ends in a run rather than an erosion. And why, when the fighting stops, it stops attached to something nobody present made — and why that takes about a generation to become available.

Part 1 — The heap in the field

The instrument that costs nothing, and the substitution that gave it away.

A raiding party comes back with cattle, silver, cloth and captives. Everything goes in a heap in the middle of the camp. The leader takes a fifth. The rest is divided among the men who fought.

The instrument is very old and travelled a long way. In the Islamic world it rests on a verse revealed after Badr — the eighth chapter, forty-first verse — assigning a fifth of what is taken to God and the Messenger, to his kin, and to the orphans, the needy and the traveller, leaving four-fifths to the men who did the fighting. It is generally treated as the first Islamic tax.

What it displaced is the finding. The pre-Islamic Arab chief took a quarter — the *mirbāʿ* — **together with the *ṣafw al-māl*, any part of the booty that particularly attracted him, and retained the right to dispose of the remainder as he saw fit.**

So the fifth is not a natural resting point that men in similar positions rediscover. **It is a datable substitution and it moved in three directions at once**: it cut the leader's share, it removed his pick of the pile, and it converted what remained from his personal property into a fund with a named list of beneficiaries which he administers rather than owns.

From there the fraction has a traceable career. In Persian *penc-yek*, one-five, becomes the Ottoman *pençik*; in the 1360s a sultan who needed soldiers owing nothing to any Anatolian lineage read *captives* as movable spoils, and an existing entitlement to a fifth of the movables became the most conspicuous slave-soldier institution in the Islamic world. On the other side of the Mediterranean the Spanish crown took a *quinto real*, also a fifth, also on spoils — and then extended it to the produce of mines, which nobody had seized from anyone, by declaring that the crown had owned the subsoil all along.

Two features matter before anything else.

It costs nothing to run. No register, no survey, no assessor, no collector, no coercion at the point of extraction — because the men who might conceal something are standing in a circle watching each other. Its enforcement is performed by the people paying it. Which is why it is characteristically the *earliest* fiscal instrument a war-band acquires, available on the first day of a campaign to a leader with no treasury.

And it looks like a miniature of the whole apparatus: a rule about who gets what, which the strongest man present did not write and cannot revise, producing an answer every armed man in the circle gets simultaneously.

That last impression is wrong, and its wrongness is where this version begins.

Part 2 — What the man is actually deciding

The derivation, from one ordinary person's problem.

Everything here has to bottom out in what a normal person, in a particular position, with normal information and normal motives, would do. If a mechanism keeps appearing across civilisations that never touched, it is because the same problem kept landing on the desks of people in the same position and there were only so many things to do about it. Nothing else licenses the comparison.

So put a man in the position. He holds land. His neighbour has just seized a third man's land. Nobody has asked him for anything. He must decide whether to ride out.

Notice what he is not deciding. Not whether the seizure was wrong — he may be quite sure it was, and stay home. Not whether he could beat his neighbour alone — probably not, and that is not the question. **He is deciding whether he will be alone.** If six others ride, riding is cheap and staying home is dangerous, because a man who sat out is a man nobody rides for next time. If none ride, riding is suicide.

The whole of his decision is a forecast about six other people, each making the identical forecast about him.

Human beings are extremely good at one narrow kind of forecast — predicting what other people looking at the same thing will conclude about it — and cannot do it at all for people whose information they cannot see. So the problem reduces to one requirement:

> ***The men who might punish a seizure need something they are all looking at, that each of them knows the others are looking at.***

That is all a reference point ever was. Thomas Schelling called such a thing a focal point in 1960: people coordinating without communicating converge not on the best option but on the conspicuous one. David Lewis added the requirement in 1969 — not enough that everyone knows, everyone must know that everyone knows, without limit, which is **common knowledge**. Michael Chwe showed in 2001 that this is what public ceremony is for: a rite does not inform the individual, who mostly knew; it shows each participant that the others are receiving the same thing at the same moment.

None of that is new. The next question is.

Part 3 — The question always has two halves

And each half can fail on its own.

Look at the *shape* of the answer our lord needs. It is never a single proposition. **It is always of the form *does this case fall under that rule*.**

- The rule: the eldest legitimate son succeeds. The case: this man is the eldest legitimate son.
- The rule: the leader takes one part in five. The case: this heap is what was taken, and that pile is a fifth of it.
- The rule: the duke of Apulia is whoever the Pope has invested. The case: at Melfi, in 1059, the Pope invested Robert Guiscard.
- The rule: land held from the crown descends by the charter's terms. The case: this field is the field the charter describes, and this man is the grantee's heir.

If either half is uncertain the answer is uncertain and our lord stays home, which is the outcome the whole apparatus exists to prevent.

> ***A perfect rule applied to an unknown case coordinates nobody.*** *Six lords who all agree the eldest son inherits and cannot establish which of two claimants is the eldest son are in precisely the position of six lords with no rule at all.*

Call the first half **the rule** and the second **the instance**. This is not a refinement of the framework. **It is a fact about the logical form of every question the framework has ever been asked.**

There is a developed version of this in economics, worth knowing because it shows the problem is general rather than historical. In the contract theory of Sanford Grossman, Oliver Hart and John Moore from the mid-1980s — work for which Hart shared the 2016 Nobel — a central distinction is between a fact being **observable** and being **verifiable**. Two partners may both know perfectly well how much effort the other put in; if a court cannot confirm it, no contract can be written on it, and both are forced into cruder arrangements that leave value on the table. Knowing a thing yourself is not the same as being able to establish it to a third party.

Our lord is the third party. The seizure is the contract. And the reason he stays home is very often not that he doubts the rule. **It is that he cannot establish the instance.**

Caveat: the observable/verifiable distinction is itself contested within that literature, notably by Maskin and Tirole, so it is used here as illustration rather than authority.

Part 4 — Why the two halves are defended in opposite directions

The load-bearing claim. If this is wrong, the rest goes.

The rule and the instance are threatened by different things.

A rule is threatened by revision. Its danger is that somebody with a stake rewrites it — or, more commonly and more dangerously, changes who gets to read it. The defence is to put it where no living player can reach: make it a fact about the past, because the past is finished and cannot move; attribute it to nobody currently alive; attach it to an office rather than a man; and if possible attach it to something nobody made at all. **The defence of a rule is distance** — in time, in authorship, and in reach.

An instance is threatened by concealment. Its danger is not that somebody rewrites the law of succession but that somebody hides the second son, moves the boundary stone, understates the harvest, forges the charter, or swears to a possession that was never his. **Distance does nothing against this.** A rule sealed in a temple by a dead man is no help whatever in establishing what is in the barn. What establishes an instance is other people who saw it, in numbers, on the record, where the record can be got at. **The defence of an instance is witness** — proximity, multiplicity, and custody within reach of the people it binds.

And now the point the version turns on. **Those two defences are not merely different. They are opposed, and the opposition is structural rather than practical.**

What makes a rule safe is that no living person can touch it. What makes an instance safe is that many living people are touching it right now — attesting, recording, comparing, keeping copies. Authorlessness is the safety of the rule; **and a witness is precisely an author of a record.** You cannot have a thing that nobody living may alter and that many living people are currently certifying, because certifying is altering.

> ***A rule is protected by being out of everyone's hands. An instance is protected by being in everyone's hands. No single institution can do both, so every settlement needs two, and the joint between them is a permanent structural weakness.***

That is the mechanic. One antinomy, falling out of one man in a field deciding whether he will be alone, with no qualifier attached.

The refinement: the antinomy is instantaneous, not permanent

One correction, and it strengthens the claim rather than weakening it.

A witness is an author is true of **fresh** instances. It is not true of old ones. Domesday in 1086 is testimony by living men who could be leaned on. Domesday in 1200 is a fact about the past, authored by nobody alive, and **still an instance record**.

So an instance-machine **ages into a rule-like object**, and the antinomy holds at any instant and dissolves across generations.

Which explains something otherwise puzzling: **a registry is a machine for converting witness into distance over time.** The entry from a century ago is a closed file. That is why long-running registries are so much stronger than new ones, why the French Civil Code carried title through eight incompatible regimes, and why the thing nobody can do is start one in a crisis and have it work immediately.

And it is the same tense mechanism the rule axis runs on, operating on the other axis. Which is some evidence that the two axes are one structure rather than two.

Part 5 — What the heap did for free

Why the fifth is not a small anchor, and the correction it forces.

Return to the raiding party and run it through both halves.

The rule — one part in five — is in maximally good shape. Old; attributed to nobody present; stated in a text the leader did not write and cannot amend; naming no one. It is a bare fraction, which is to say **universal in subject** — and a rule that names its beneficiaries is the beneficiaries authoring their own title. Nothing about it can be moved by the strongest man in the camp.

The instance — this is the take, that is a fifth of it — is in maximally good shape too, and for the opposite reason. It is in a heap in the open. Every man entitled to a share is standing around it. Concealment is impossible not because it is forbidden but because there is nowhere to conceal anything.

> ***That is the whole trick, and it cannot be repeated at scale.*** *The war-band splits the problem into two objects and puts each at the extreme of one axis. The fraction is maximally far away. The heap is maximally close. Between them they produce a complete checkable answer with no interpreter anywhere in the mechanism — no priest, no judge, no assessor, no register — which is why it costs nothing.*

And this corrects the first version of this statement

The first version said: below the size at which everyone can watch everyone, no reference point is needed, because mutual observation does the work.

That is half right and the wrong half matters. The room supplies the instance for nothing. It never supplies the rule.

Thirty men in a circle still need a fraction none of them wrote — or the leader takes a quarter, plus whatever item he fancies, plus discretion over the rest, and dares anyone to say otherwise. **Which is exactly what the pre-Islamic chief did, in a circle of men who could all see him do it.** Co-presence did not stop him. A verse did.

Co-presence is an instance-machine. It is not a rule-machine, and no amount of it will ever become one.

Which yields the general form, and it is the sentence that organises the two parts following:

> ***The instance is free at small scale and expensive at large scale. The rule is expensive at every scale.***

And the moment a society grows past the room, the instance stops being free — and nobody notices, because it never had a name or a budget line. **That is where orders go wrong in a way the series could not previously see.**

Part 6 — The rule axis

What it must be, what it is made of, and why no beneficiary can buy one.

Three conditions. It must be **already in every head**, because the check is run simultaneously by people who cannot confer — which is why a new rule cannot be issued for the purpose: distribution takes years and cannot be verified, so no man can rely on it. It must be **visibly shared**, because what each person needs is not a belief about the world but knowledge about the others. And it must be **not authorable by the men whose claims it settles**.

That last splits in two, and the split was forced by a case. **3a — ineligibility:** whatever generates the answer must be unable to win the prize, because a body that can win returns a forecast about its own prospects. **3b — non-authorship of the answer that matters:** the specific answer must not be writable by the parties, and the scope is narrow on purpose.

The case that forces it is Tokugawa Japan. The Kyoto court that authorised the shogunate was leashed by statute in 1615, watched by a permanent shogunal officer, and in 1627 had its grants voided and a hundred and fifty clerics stripped, the emperor abdicating two years later. By any single statement it had ceased to be a reference point by 1630. **The order ran another two hundred and forty years** — because the Tokugawa edited everything the court said *except* who was shogun. Ineligibility absolute; non-authorship holding on the one question that mattered.

And at bottom the requirement is about tense. A fact about the present moves, so consulting it reports today's weather. **A fact about the past cannot move.** It does not matter whether it is true — Ieyasu's Minamoto descent was a reconstruction and the Fujiwara pedigree he used before it was equally so — because what is being consulted is a closed file rather than a fact about the world. Which is why every new ground in the record is announced as a **recovery**, why nobody audits a genealogy, and why manufacture fails: a ruler who builds a rule is proposing a present fact, and every witness knows it is present because they watched it become one.

What a rule is made of

Other people's uncoerced, costly behaviour, accumulated before the question arose. Two production routes.

Accumulated petitions. By 1059 the Roman see had spent nearly seven centuries answering questions it had not asked — the characteristic papal document being a *decretal*, a reply to a petition, the earliest surviving from 385. **That is not a record of Rome asserting. It is a record of everyone else choosing.**

Accumulated costly display. The cultural-evolution literature associated with Joseph Henrich calls these **credibility-enhancing displays**: actions costly to the actor *if he did not actually believe what he professes*. Martyrdom, celibacy, poverty vows, refusal under persecution.

Neither is fakeable by a beneficiary, for one reason: the raw material is other people's voluntary action, and action you paid for is not voluntary, and everyone can see the difference. A purchased petition is not a petition; a paid martyr is not a martyr.

Which gives the sharpest test in the series, needing no judgement of anybody's sincerity — **prior, not old.** Rome's decretals predate Melfi by six centuries. The persecuted decades at Mecca predate the conquests. Against that: Diocletian's *Jovius* postdates his acclamation; Akbar's synthesis postdates his throne; Robespierre's cult postdates the Terror.

And a second route to the same property, forced by the American case. Judicial review is not in the constitution; it was asserted in 1803 by a man who had been Secretary of State in the outgoing administration whose appointments were at issue, and the sitting President called it usurpation for the rest of his life. By priority alone it should have failed. It held — because **Marshall claimed the authority by declining the power**, striking down the statute that would have let his own court grant the remedy, in a case whose practical outcome handed the victory to his opponents. So: **either the stock is prior to the prize, or the assembler takes nothing under what he assembles.**

And the instruments form a price ladder

Not a catalogue. A menu ordered by cost, bought cheapest-first: **the memory of neighbours** (nearly free, capped at the village); **a determinate rule** (cheap to state, best performer, silent when the demography fails); **a drawn lot** (cheap in substance, expensive in theatre, which is why Venice's machinery was elaborate past parody); **a panel of ineligible arbitrators** (assembles in months, cannot stand); **a standing electoral body** (expensive, middling, buys coverage); **an office outside every claimant's reach**; and **a sacred lineage or a caliph** — dearest and most robust, which is why the Mamluks went into the desert for a survivor of the Baghdad caliphs and kept the office two hundred and fifty-six years. Not piety. Nothing cheaper was on the shelf.

The ladder is not ordered by reliability. What the expensive rungs buy is **coverage**: a rule is excellent when there is a son and useless when there is not; a caliph answers regardless. So you buy the cheapest device that answers your question and escalate when the cheap one goes silent.

And this is where gods sit. A society's inherited cosmology is, in pre-modern conditions, the largest available class of objects that nobody made, accreted over centuries out of people explaining the flood and burying the dead. **Gods are not the mechanism. They are the cheapest instrument that satisfies the rule's requirement at civilisational scale** — and they do nothing whatever for the instance, and no society has ever asked them to.

Part 7 — The instance axis

The half the series never named, and the test that can be run blind.

The instance is a fact about the present world: who holds this, where the boundary runs, what the yield was, who is the eldest son, what was in the heap. It is threatened by concealment, and it is defended by witness — proximity, multiplicity, and **custody**.

The scholarly convergence here is large and the series should name it. James C. Scott's *Seeing Like a State* (1998) argues that the modern state's characteristic project is **legibility**: cadastral surveys, population registers, permanent surnames, standardised weights and measures, the invention of freehold tenure, the standardisation of language — officials taking complex, local, illegible practices and imposing a standard grid that can be centrally recorded and monitored. And his central point about the cadastral map is the one that matters here: **for purely local purposes it was redundant.** Everyone knew who held the meadow by the river. The map exists to make the local situation legible **to an outsider**.

That is the instance axis, described from the state's side, and it supplies a great deal of the material this statement needs. **Where this account departs from Scott is in what the machinery is for.** He reads legibility primarily as an instrument of control and extraction, and it plainly is. This says it is *also* the thing without which no coordination is possible at all — that the same register which makes a peasant taxable is what makes the bystander able to establish whose field was seized.

And the departure yields the measurement. A commentator on Scott draws the distinction this account most needs: **legibility is standardised — a large institution can get a precise view of each individual. Transparency is simple — a typical person can get an accurate view of the institution.** Those come apart, and which one an instance-machine supplies is the whole question.

The custody test: where were the copies kept, and who could reach them?

That is scoreable from administrative records without knowing outcomes, which makes it the one part of this statement that can be run blind.

One-sided visibility is a distinct failure mode, and it is what the corpus has been calling surveillance. A machine that lets the ruler see every subject and lets no subject see the record is an instance-machine pointed one way — and it produces exactly what

the series found: an order that must watch everybody has announced it cannot rely on anything else, and its expenditure on watching is a direct read on what is missing.

And instance-machines are cheap to withhold. Nobody has to abolish a survey. It simply stops being run, and the state's picture of its own holdings rots silently while nothing in the rule changes at all.

Part 8 — The joint

Why somebody has to stand in both rooms, and why he is the cheapest thing to attack.

The rule is stored far away, in the past, attributed to nobody. The instance is stored close by, among witnesses, in the present. **Somebody has to stand in both rooms, and he is the only person in the system who does.**

That derives the interpreter's position without any appeal to literacy or the division of labour — which is a better derivation than the series had, because it needs no sociology.

Three consequences, and all three are things the series discovered the hard way and bolted on.

The joint is the cheapest thing in the order to attack. Attacking the rule is expensive and conspicuous — everyone notices a new scripture. Attacking the instance is laborious — you must suborn the witnesses. Attacking the man who matches them requires neither. Which is the series' strongest finding — *the danger is not the man who breaks the rule but the man who controls who reads it* — arriving as a consequence rather than an observation. **Watch the pool, not the pick.**

The interpreter's two jobs are not two jobs. They are the two halves. The series found, after a contradiction it could not otherwise resolve, that an interpreter does one job capture destroys immediately and another capture leaves intact. **The job capture destroys is rule-defence**, which requires that the ruler cannot revoke his standing — that is, distance. **The job capture leaves intact is instance-matching**, which requires only that he be singular, because matching needs consistency rather than independence. Which is why thoroughly servile clergies are compatible with centuries of stability, and why an order does not die of a bought priest.

The series arrived at that by induction and stated it as a finding. **Here it is a derivation**, which is the test of a good reframe: it should hand you your hard-won results for free.

And the material is religious for a reason that concerns only one axis. The rule needs an author nobody can reach; gods are the cheapest supply of that at scale. They contribute nothing to the instance, which is why every religious order in the archive also ran a cadastre, a register, a court or a jury, and why nobody ever noticed that as a separate achievement.

Part 9 — The ledger, re-read

Nine qualifiers, one axis — the claim that would justify this version if nothing else survived.

The amendments the series accumulated are not a growing list of exceptions. **Most are the instance axis arriving in pieces and being filed each time as a property of the anchor.**

Credential distance — where the interpreter's qualification is issued and who can revoke it — is a measurement of the **rule** defence and nothing else. Which is exactly why it predicted restraint (rule-defence) and turned out to be irrelevant to coordination (instance-matching). Two capacities, one variable, opposite results: not puzzling once the axes are separated.

The verification modifier is not a modifier. It is the instance axis, glimpsed. The series called it *the least secure part and the one that keeps surviving tests* — and a modifier that keeps surviving tests is the main effect wearing a small hat. Iceland's recited law, Venice's drawn lots, the Kikuyu ridge, a four-thousand-word constitution in the vernacular: all instance-machines, filed as a property of the rule.

Hawaii is the case that should have shown it. The *kapu* was ancient, unforgeable, universally held and ferociously enforced — an excellent rule — and it authored no elite title whatever, because chiefly land was re-granted at every accession. **Nothing was bound to it, so nothing coordinated.** The series recorded this as *anchor quality and horizontal function are independent*, which is true and is the two axes seen without being named.

The mass amendment — the armed need both halves, the ruled need only one — falls straight out. A farmer deciding whether to pay is not adjudicating between claimants and does not need the instance established.

The decoupling — France 1804, where a code and a registry carried title through eight incompatible regimes — is not an anomaly but **an instance-machine so good the rule could shrink to almost nothing.** And it *derives* the corpus's best line about it: **a registry cannot be disbelieved** because a registry needs protection from concealment rather than from revision, and there is nothing on the rule axis in it to dissent from.

The titled warrant — a conqueror who surveys, registers and issues deeds rather than seating men — is the instance half done well enough that the rule half is cheap. A

title deed requires nobody to believe in the man who holds it because it is enforced against things, and things are instance-facts.

And the diagnostic that makes the re-reading serious. Of the series' four failure routes, **three are rule failures and the fourth is coalition size. The list contained no instance failure at all** — not because they do not happen, but because the category did not exist.

Part 10 — Five failure routes

Four old, one new.

One. A second author of title appears. Somebody other than the source can grant holdings that outlast the grant. Not disloyalty: a magnate holding from a patron has a *conditional* interest in the ground, and every man in his position computes identically, so the patron brings a piece of the coalition with him.

And here the two-axis reading adds a mechanism the series lacked. A recent case study found that in an order built on non-heritable elite tenure, every stratum that acquired the power to transmit its position thereafter defended the transmission rather than the arrangement — with dates: the learned hierarchy 1550–1650, the corps from 1566, the provincial magnates by purchase from 1695. **Heritability is second authorship**: a man who can transmit is himself a source of title, for one person, forever.

Two. The rule forks. Two holders of one qualification, each declaring the other invalid, with nobody outside the contest to arbitrate. Force cannot repair it, because seizing an office whose value is its non-seizability destroys the thing seized.

Three. Indeterminacy at succession. The rule names a lineage and is silent on the member, so it manufactures a pool of claimants. Three families of solution: eliminate them, select among them, or dissolve the coalitions that would form behind them.

Four. Concentration under a distributed floor. The coalition becomes too small to form.

Five — new. The instance goes dark. Nobody revises the rule and no second author appears. **The machinery that establishes what is there and who holds it simply stops being run**, and titles quietly cease to be checkable against anything.

The evidence is administrative rather than dramatic, which is why it was never noticed. The Ming ran a nationwide cadastral revision in 1387 and the next comprehensive survey was resolved on in 1578 — **roughly a hundred and ninety years in which nothing in the rule changed and the state's picture of the instance silently rotted.** The Ottoman detailed register once carried some thirty-seven thousand revenue-holdings supporting seventy to eighty thousand horsemen at almost no cost, because every entitlement was checkable; regular survey practice collapsed after 1715.

And this route is uniquely invisible while it happens, because there is no event. Nobody defies anything. A clerk is not replaced; a survey is postponed; a commission is not renewed. The order looks identical from outside until somebody asks a question the register can no longer answer.

The Ottoman discrimination

The two readings of the Ottoman case — heritability leaking upward, or the instance going dark — predict the same events from the same records, and one of the working papers records that as an unresolved problem.

The dates separate them. Heritability leaks first: ulema 1550–1650, corps 1566–79, magnates 1695. **Survey practice collapses after 1715.** The instance goes dark *last*.

Which makes them sequential rather than rival, and gives a causal direction:

> ***A register exists to track revocable assignments. Once claims are heritable, re-surveying serves nobody — so the machine lapses because its function has been removed.***

Heritability → the instance goes dark. Which also gives *heritability is second authorship* a mechanism it lacked: a second author does not merely issue titles, **he makes the instance-machine pointless**, because his titles need matching against nobody's register.

Part II — How it holds, runs down, and ends

The rest of the framework, compressed, with the two axes in it.

It holds by default. Every man defends his own holding; every holding runs to one source; so each defends the source without intending to, without meeting anybody, and without believing a word of it. Which is why settlements need no virtue and no loyalty, and why orders in which nobody believes anything continue to function.

And that makes the coalition a quantity — the number of holders and the value of what they hold — which can be added to and spent.

It runs down because the order's own success attacks that quantity. Peace makes surplus, surplus makes education, education makes claimants, and the distribution does not grow, because a fixed assignment is what a settlement is. So the ratio of aspirants to positions worsens fastest when things go best. **Elite overproduction, in these terms, is the systematic conversion of bystanders into claimants** — a man for whom the check has returned *no* is a man with nothing whose defence would incidentally defend the ground.

The borrowed literature here is Jack Goldstone's structural-demographic model (1991) and Peter Turchin's extensions. The criticisms should be noted: critics argue "elite" is counted rather than defined, and a 2023 empirical test found the central predictions unsupported for the industrialised United States. The mechanism is used as documented in pre-modern cases and nothing rests on the model's modern forecasting.

Two responses, and they are not equivalent. *Redistribution* buys a chair by publicly demonstrating that the answer can move — which is the property a rule must not have. *Expansion* adds positions without moving any existing answer, and the warrant extends to the new ground automatically. **Redistribution is rule-consuming; expansion is rule-preserving** — which is why expanding orders are placid at the centre and appalling at the edge, and why the crisis arrives when the frontier closes rather than while it is being fought over.

But expansion manufactures its own successor crisis, because chairs at the periphery are authored in practical fact by whoever took the ground, and a man holding at the edge defends the patron who allocated it.

Then the frontier closes and the apex spends the rule. Forced loans, attainders, revived dormant claims, prosecutions whose purpose is the estate. And the damage is out of proportion to the sums because **a confiscation removes one estate and the demonstration reaches every holder at no transmission cost.** The tell that distinguishes ordinary hard taxation from the terminal kind: whether the taking is framed as an application of the rule or an exception to it.

And then it ends as a run, not an erosion. The formal treatment is Diamond and Dybvig's bank-run model (1983): such an institution has **multiple equilibria** with identical fundamentals, and which one obtains depends on nothing but what each depositor expects the others to do. Nothing in the vault changes. **The erosion does not cause the collapse; it makes the second equilibrium reachable.** Which is why collapses are sudden, never forecast, and why **an order that is entirely hollow is indistinguishable from a sound one until the morning somebody moves first.**

Part 12 — Why the fighting stops

And why it takes about a generation.

The harder question is not why orders break but **why the fighting stops** — and the answer is that **exhaustion produces the demand and cannot produce the supply.**

Everyone in a warlord condition wants a settlement, and wanting one no more produces one than wanting a common language produces a common language. What is missing is not goodwill but a coordinate. **Which is why exhausted parties conclude treaties that fail: a treaty is a fact about the present at the moment of signature, so consulting it returns a forecast about whether the parties still want it.**

And the settlement, when it comes, is attached to something nobody currently playing made — a restored republic that had not been restored; a religion the previous administration had spent eight years persecuting; an office in another country no local claimant could hold; a code and a registry.

Which is why it takes about a generation, and the lag is not recovery. A man who asserts a ground at the moment of exhaustion is watched asserting it by every man he needs to coordinate, so what they check is not a finished fact but a claim made last month by a party to the contest.

> ***The interval is the minimum time in which an assertion becomes a fact about the past — long enough that the men doing the checking were not in the room.***

Augustus had forty years and spent them insisting nothing had been founded. Diocletian reorganised an empire, asserted a divine association *after* his own acclamation, abdicated on schedule, and watched it dissolve in eighteen months — **while his persecution from 303 was requiring Christians to choose publicly at real cost for eight years, which is exactly the process that manufactures the thing his successor used.** He ran the factory; Constantine inherited the stock.

And the two-axis reading adds something to the loop that the loop paper did not have. The interval is a rule-axis fact — it is about assertions ageing into past facts. **The instance axis has no such lag.** A register can be built in five years and works immediately, because what it needs is witnesses and custody rather than antiquity.

Which explains the one modern exit from the warlord condition that did not take centuries. France after 1789 reopened the register on an enormous scale and produced fifteen years of exactly the condition this statement describes. **What ended it was not a better story. It was a code and a registry** — and eight mutually incompatible regimes inherited it, applied it, and did not reopen it.

> ***The rule axis requires a generation. The instance axis does not. Which is why the modern route out is a register rather than a god, and why it is the only route in the record that has ever produced a settlement quickly.***

Part 13 — Where this sits

Five bodies of work on the same ground, and what each has.

Kelsen had the regress: every norm valid by authorisation of a higher one, terminating in a **basic norm** that is not derived but **presupposed**. He established that a terminus is required and could not say what constrains which thing occupies it, which is why revolutions embarrass his account.

Hart replaced the presupposition with an observation: wherever a legal system exists there is a **rule of recognition** specifying the criteria of validity, which is not itself valid or invalid because its existence is a **social fact**, constituted by the convergent practice of officials who apply the same criteria and regard them as binding. **That is the rule axis, reached from jurisprudence in 1961**, and this account is Hartian rather than Kelsenian: what is at the bottom is a pattern of expectation, which can be watched and which can run.

What this adds to Hart is two things. *Which* social facts can occupy the position — his framework does not say, and the three conditions are that specification. And that **a rule of recognition is not sufficient**: officials applying identical criteria to facts they cannot establish coordinate nobody, so Hart's account has a rule axis and no instance axis, which is the same gap this series had.

Schmitt is the strongest opposing view — sovereignty is whoever decides the exception, and behind every order stands a will rather than a norm. The answer is Part 6's: **a decision is a fact about the present**, and facts about the present cannot coordinate. He describes the moment of crisis accurately and mistakes it for the foundation, which is exactly what is unavailable at that moment.

Weber located legitimacy in subjects' *belief*. This account is deliberately weaker and more robust: **it requires nobody to believe anything**, only that each person be able to predict the others — compatible with total private cynicism, which is why cynical elites operate inherited apparatus for centuries.

And Scott is the closest thing to a rival on the instance axis, and is not a rival. *Seeing Like a State* describes the machinery precisely and reads it as an instrument of control and extraction, which it is. **This says the same machinery is also the precondition of any coordination whatever** — that the register which makes a peasant taxable is what makes a bystander able to establish whose field was seized. The two readings are compatible and the second is not in his book.

On the settlement rivals, briefly. Olson's stationary bandit explains why a warlord stops looting and not why anybody else honours his distribution. North, Wallis and Weingast's dominant coalition explains why each man prefers not to fight and not what he should expect the others to do on the afternoon a king dies. Demsetz explains when property becomes worth having and not how one assignment becomes the one everybody acts on. Greif's self-enforcing institutions are the closest and are the same insight developed for commerce.

Part 14 — Status: what is established and what is hypothesis

Stated at the front of the reader's mind rather than buried.

The series' own rule for telling a refinement from a rescue is whether it makes **more** arrangements fail the test or fewer. A rescue always shrinks the failure set, because a rescue exists to admit a case that would otherwise have counted against the theory.

This one expands it and simultaneously removes qualifiers, which is the opposite of an epicycle: nine amendments collapse into one axis, and a fifth failure route appears that was previously invisible. That is the strongest procedural argument for it.

But the parts have very different standing and should not be run together.

Established, or as near as this subject gets

The antinomy. That a rule is defended by distance and an instance by witness, and that the two cannot be combined because a witness is an author, is a derivation rather than an observation. It requires no historical evidence and is not vulnerable to any.

The logical form. That every question the framework has been asked is *does this case fall under that rule* is not a hypothesis. It is a fact about the questions.

And the derivations. The interpreter's two jobs, the seam's existence, the joint being cheapest to attack, and *a registry cannot be disbelieved* all now fall out rather than being stipulated. A reframe that produces the hard-won results for free is doing something.

Working hypothesis

The historical mapping. Every case here was selected and classified by the people who built the categories, knowing the outcomes. **That is internal consistency and not evidence**, and it will remain so until the custody test is run blind.

The instance-decay route. The Ming and Ottoman survey gaps are real and their reading as a failure route is an inference. The Ottoman discrimination offered in Part

10 — heritability first, register lapse second, therefore heritability causes the lapse — is a genuine ordering claim and is checkable, and has not been checked.

The ageing refinement. That an instance-machine converts witness into distance over time is new in this document and rests on the plausibility of the mechanism plus the French case.

Open, and not to be smoothed

The manufacture prediction has not landed in the series' standing case: a doctrine assembled by a named man in the 1970s, denounced at the time by his own tradition's senior jurists, has organised a state for forty-seven years. The two-axis reading offers a candidate — that the order runs an unusually complete instance apparatus, so a rule visibly edited in 1989 may be carrying less weight than the framework assumes — and **that is a guess, it is the third such guess in the ledger, and it should be treated as one.** The hard falsifier stands: if a senior jurist who withheld recognition publicly extends it to a successor, the original prediction is dead.

Iceland is not explained by either axis. The Commonwealth had a working rule, a good instance-machine, and fragmented anyway, because chieftaincies were accumulated until the number of independent parties was too small for a bystander coalition to form. **That is coalition size**, which the series has elsewhere (a distributed floor requires rough equality; the Kikuyu maintained it by scheduled surrender of authority and by venting ambition down an open frontier) — so it is not a missing third axis but a variable that sits on neither of these two. **The frame is incomplete rather than wrong, and the gap is exactly where the series' most interesting unsolved case sits.**

And the international anomaly stands. There has been no source above states for four centuries, and the last eighty have been the quietest on record between major powers, which this account does not explain. Either it is missing a mechanism, or the present is an unusually long interval that has not ended.

What would break it

- A settlement holding with an excellent rule and a demonstrably dark instance-machine, or the reverse, over two transmissions.
- A durable order whose reference point was openly created by the parties at the moment of exhaustion and never presented as a restoration.

- An instrument that acquired substantial wealth, territory and armed force and retained undiminished authority over parties it could not compel, across several changes of administration.
- Or a custody test run blind that shows no relation between where the copies were kept and whether the order held.

Part 15 — Where this is weak, and the excluded

It may be a relabelling. The most serious charge is that the two axes are a new filing system for facts the series already had. The defence is that the reframing generates the custody test and the instance-decay route, neither of which existed, and that it *derives* three things the series previously had to stipulate. **If those do not survive testing, the charge is correct and this should be retired.**

It risks absorbing everything. It adds failure modes, which is legitimate — and it also supplies a ready excuse for every order that lasted without a strong rule, and that excuse must not be used. **The load-bearing parts must be the directionality claims, because those can come out backwards.** If the two axes are only ever used to explain successes after the fact, the apparatus has become a vocabulary.

The coding is contaminated, throughout, and the custody test is the only part designed to be runnable blind.

And the archive problem is unresolved. The record is of orders that produced writing, and writing requires the surplus only settled orders generate. Worse, the bias is not random with respect to the subject: **the record is a technology of the concentrated**, so the configurations least able to leave paper are precisely the diffuse ones this account most wants to see.

The excluded

Every machine described here was built over people who were counted rather than consulted.

The villagers who swore to Domesday were not parties to the distribution they were establishing; they were certifying under oath the transfer of their own labour to men who had arrived twenty years earlier by force, and the survey recorded them alongside the ploughs and the mills as part of what a manor was worth. The Ottoman detailed register recorded the peasant's dues and bound him to the land it recorded him on. The Ming registers grouped households for mutual responsibility, which means neighbours were made answerable for each other's arrears. And **the fifth in the camp, the instrument this statement begins with, was a rule for dividing captives** — the extension that made the Ottoman slave-soldier institution possible was the reading of human beings as movable goods, which is the same intellectual operation, performed

by the same kind of official, as the reading that made the subsoil of a hemisphere into crown property.

An instance-machine is a machine for making people countable, and the reason a state wants people countable is almost never to protect them. Where it protected them it did so as a side effect, because a record consultable by the men the ruler needed happened also to be consultable by others.

And the rule axis is no better. The peace a working reference point produces among the powerful is not peace for everyone in its reach; **it is a redirection** — violence removed from relations between magnates and concentrated on people with no standing in the arrangement at all.

A plain sentence is owed, outside the vocabulary of the argument. This has described, with something close to admiration for the engineering, the apparatus by which men who had recently killed a great many people made the results permanent and cheap to hold. Understanding how the machine worked is not a defence of what it produced. The people in the registers had no say in any of it; most were poorer for it; a great many were owned. **The neatness of the mechanism mitigates none of that, and explaining efficiency is never the same act as excusing it.**

The argument in one paragraph

A man deciding whether to ride out against a neighbour's seizure is not deciding whether the seizure was wrong; he is forecasting whether he will be alone, and to forecast that he needs something he and the other lords are all looking at and all know they are looking at. **But the answer he needs always has two halves — a rule, and the facts of the case — and the two are attacked differently and therefore defended in opposite directions.** A rule is attacked by revision, so it is defended by distance: put it in the past, attribute it to nobody living, keep it out of every player's reach, which is why the material is so often a cosmology nobody made and why every new ground is announced as a recovery. An instance is attacked by concealment, so it is defended by witness: many people, on the record, with the record kept where they can reach it. **Authorlessness and testimony cannot be combined, because a witness is an author** — so every settlement needs two machines pointed in opposite directions, plus somebody standing in the joint to say whether they match, and that man is the cheapest thing in the order to attack, which is why orders are so rarely brought down by anyone breaking a rule. **A war-band solved both for nothing, once**, by putting the fraction in scripture where the leader could not reach it and the plunder in a heap where everyone could see it — and the room supplied the instance free and never supplied the rule, which is why a verse had to stop a chief taking a quarter plus whatever he fancied in front of men who could all see him do it. **Everything since is an attempt to rebuild the heap out of paper**, and the two halves fail differently: the rule fails by revision, by forking, by going silent at a succession, or by being spent to pay for a war; the instance fails by simply not being run, invisibly, while nothing in the rule changes at all. **And when it all comes apart, exhaustion produces the demand and cannot produce the supply** — because a treaty is a present-tense fact that everybody watched being made — so the fighting stops only when somebody finds something on the shelf that nobody currently playing made, and about a generation later, when the men who watched the assertion are no longer the men doing the checking, it is furniture.

Sources

What each cited author argued, in plain words.

Coordination and common knowledge. Thomas Schelling, *The Strategy of Conflict* (1960), on convergence upon the conspicuous rather than the optimal. David Lewis, *Convention* (1969), on common knowledge — everyone knows, and knows that everyone knows, without limit. Michael Chwe, *Rational Ritual* (2001), on ceremony as a device for generating it rather than for informing individuals. David Hume, *Treatise* Book III (1739–40), on property as a convention arising without promise or contract.

The observable/verifiable distinction. Sanford Grossman, Oliver Hart and John Moore, from the mid-1980s; Hart shared the 2016 Nobel for the incomplete-contracts programme. A fact both parties know is unusable if a third party cannot confirm it. *The distinction is contested within that literature, notably by Maskin and Tirole, and is used here as illustration rather than authority.*

Legibility. James C. Scott, *Seeing Like a State* (1998): cadastral surveys, population registers, permanent surnames, standardised measures and freehold tenure as a single project of making local practice legible to an outsider — with the observation that for purely local purposes a cadastral map was redundant, since everyone already knew who held the meadow by the river. The transparency/legibility distinction used in Part 7 — a large institution getting a precise view of each individual, versus an individual getting an accurate view of the institution — is drawn from the commentary literature on Scott and is the form in which the custody test is stated here.

The sacred, and its production. Roy Rappaport, *Ritual and Religion in the Making of Humanity* (1999): the sacred as unquestionableness imputed to postulates objectively unverifiable and absolutely unfalsifiable, explicitly not requiring belief, with an inverse relation between material specificity and durability. Joseph Henrich on **credibility-enhancing displays**: people adopt unverifiable claims from those who pay unfakeable prices for them.

Jurisprudence. Hans Kelsen, *Pure Theory of Law*, on the hierarchy of norms and the presupposed basic norm. H. L. A. Hart, *The Concept of Law* (1961), on the rule of recognition as a social fact constituted by convergent official practice. Carl Schmitt, *Political Theology* (1922). Max Weber, *Economy and Society*.

Runs, cycles and rivals. Douglas Diamond and Philip Dybvig (1983) on multiple equilibria. Ibn Khaldun, *Muqaddimah* (1377), on *asabiyya* and the dynastic cycle. Jack Goldstone (1991) and Peter Turchin on structural-demographic pressure, **with the criticisms recorded in Part 11**. Mancur Olson (1982, 1993); North, Wallis and Weingast (2009); Harold Demsetz (1967); Avner Greif (2006).

The fifth. Qur'an 8:41, revealed after Badr, assigning a fifth to God and the Messenger, his kin, the orphans, the needy and the traveller. **The pre-Islamic practice it displaced — the chief taking a quarter, the *mirbāʿ*, together with the *ṣafw al-māl*, any part of the booty that particularly attracted him, and retaining the right to dispose of the remainder as he saw fit — is the standard account in the reference literature and was checked for this statement**, as was the characterisation of the *khums* as the first Islamic tax. The Ottoman *pençik* and its extension to captives, and the Spanish *quinto real* and its extension to mine produce by declaration of subsoil ownership, follow this series' case studies.

Cases, checked rather than recalled. The investiture at Melfi, August 1059. Papal decretals from 385 onward as replies to petitions. The Tokugawa court regulation of 1615, the Purple Robe affair of 1627 and the abdication of 1629, with Ieyasu's Minamoto pedigree treated in the modern scholarship as a reconstruction. The Cairo caliphate, 1261–1517. Caspe, 1412, and the express ineligibility of its arbitrators. The Golden Bull of 1356. The Concordat of Worms, 1122. *Marbury v. Madison*, 1803. Diocletian's persecution edicts from 303 and his abdication in 305. The Ming cadastral revision of 1387 and the survey resolved on in 1578. Ottoman survey practice after 1715 and the life-term tax farms of 1695. The French Civil Code of 1804 and its survival across eight regimes. The European succession dataset — 144 events, seven realms, 900–1516 — is held separately with its coding, sensitivity analyses and instrument.

Papers this consolidates. *How a Camp Becomes a Country* (the first working statement, superseded by this); *The Rule and the Heap*, from which the two-axis distinction, the derivation from the royal fifth, the ledger re-reading and the instance-decay route are taken; *What Holds at Night* and *The Closed File*; *Taking and Keeping*, for the production account; *More Claimants Than Chairs*, for the life-cycle; *Why the Fighting Stops*, for the loop and the interval; *Too Useful to Break*, for depletion by customers; and the case studies underneath all of them. **The earlier statements are left in the archive unedited, so that what is added here can be seen as earned rather than silently assumed.**